

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION
VS)	FILE NO: 1:11-CR-239-16-CAP-ECS
)	
RUDY VALENCIA)	
Defendant)	

**MOTION TO AUTHORIZE POSSESSION AND REVIEW OF DISCOVERY
MATERIAL AT ROBERT A. DEYTON DETENTION FACILITY**

COMES NOW, the defendant RUDY VALENCIA, hereinafter Mr. Valencia, by and through his appointed Counsel, the undersigned, and respectfully moves this Honorable Court, to permit Mr. Valencia to possess and review his discovery materials at Robert A. Deyton Detention Facility in Lovejoy, Georgia. In support of this motion, Mr. Valencia shows the following:

1. Mr. Valencia is indigent, in custody at Robert A. Deyton Detention Facility in Lovejoy, Georgia and is represented by a court-appointed counsel.
2. Mr. Valencia is charged in one count of the indictment, to wit, Count II, conspiracy with possessing with intent to distribute (a) at least five (5) kilograms of a cocaine mixture and (b) one thousand (1,000) kilograms of a marijuana mixture, in violation of Title 21 U.S.C Sect. 841(a)(1) and (b)(1)(A)(ii) and (vii).
3. Undersigned counsel has received a total of ninety-seven CDs and DVDs from the United States and deems it necessary for Mr. Valencia to have

the opportunity to view the discovery discs to assist in preparation of his defense.

4. Undersigned counsel has an understanding that the Robert A. Deyton Detention Facility will allow the defendant to possess and review the discovery disc without counsel being present, however; due to the large amount of discovery discs, undersigned counsel request the Court to issue an order allowing the same.
5. Undersigned counsel requests that this Honorable Court issue an order allowing Mr. Valencia to possess and review any and all of his discovery materials pertaining to his charge in the indictment brought against him by the government, in the Robert A. Deyton Detention Facility.

WHEREFORE, Defendant Rudy Valencia prays of this Honorable Court to permit him to possess and review his discovery materials at Robert A. Deyton Detention Facility in Lovejoy, Georgia.

Respectfully submitted,

/s/ Rolf A. Jones

Rolf A. Jones

Attorney for Defendant

Rolf A. Jones and Associates, P.C.
118 North Avenue
Suite C
Jonesboro, Georgia 30236
Tel.: (770)210-3000
Bar No.: 403260
E-Mail: rjones@rolfjoneslaw.com

RAJ:dpk

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2011, I electronically filed this MOTION TO AUTHORIZE POSSESSION AND REVIEW OF DISCOVERY MATERIAL AT ROBERT A. DEYTON DETENTION FACILITY with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Lisa Tarvin, Assistant United States Attorney

Michael V. Herskowitz, Assistant United States Attorney

All co-Defendants counsels

Respectfully submitted,

/s/ Rolf A. Jones

Rolf A. Jones

Attorney for Defendant

Rolf A. Jones and Associates, P.C.
118 North Avenue
Suite C
Jonesboro, Georgia 30236
Tel.: (770)210-3000
Bar No.: 403260
E-Mail: rjones@rolfjoneslaw.com

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The above named Defendant motion to authorize possession and review of discovery material at the Robert A. Deyton Detention Facility, having been read and considered, is hereby **GRANTED**. Counsel for the Defendant has moved this Court to hereby **ORDER** the Warden at the Robert A. Deyton Detention Facility in Lovejoy, Georgia to authorize Mr. Valencia to possess and review his discovery materials.

Accordingly for good cause shown, **IT IS HEREBY ORDERED** that, the above named Defendant be authorized to possess and review his discovery material at the Robert A. Deyton Detention Facility in Lovejoy, Georgia without further authorization from the Court.

SO ORDERED, this ____ day of _____, 2011.

United States Magistrate Court
Northern District of Georgia

Rolf A. Jones and Associates, P.C.
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Suite C
Jonesboro, Georgia 30236
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Bar No.: 403260
E-Mail: rjones@rolfjoneslaw.com
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